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## BOOK REVIEWS

THE LAW OF SALES, by John Barker Waite. (Chicago: Callaghan and Company, 1921, pp. viii, 385.)

The reader of a brief text on any subject may naturally expect to find, in general, a bare statement of rules without real development of the reasons on which those rules are based. Such a work is scarcely more than a discriminating digest. Yet to be of any substantial value to the student, a text must have as its purpose the exposition of basic principles, rather than the simple enumeration of legal propositions.

In the short scope of the book before us, the author has accomplished this purpose admirably. He has consistently gone beneath the mere fact of judicial decision to the judicial custom of decision underlying it. Judicial decisions, as the author points out, are the phenomena on which the science of law is based. But as any scientific work is more than a catalogue of the results of experiments in that science, so a legal work must be more than the mere stringing together of decisions and quotations. Thus the author, without attempting to cite numerous cases or to marshal extensive excerpts from opinions, has carefully expounded the leading principles of the law of sales. Emphasis is always placed on the reason for a given rule.

The text departs somewhat from the customary outline and arrangement of the subject. The analysis of Benjamin seems largely to have guided the arrangement of later works. The author of this book groups the law, as far as possible, according to the persons affected. There are obviously three types of persons to be considered: the buyer, the seller, and third persons. Every rule may be treated in the light of being a right of one person, a lack of right of another, or a legal power (as distinguished from a legal right) of a third. This is the author's theory, and this directs his manner of treatment. In the cause of brevity, the attempt has been made as far as practicable to treat each rule as being a right of one of the persons mentioned, and thus to prevent useless repetition. The book contains further the text of the Uniform Sales Act, with illustrative decisions digested under, many sections.

The volume is particularly interesting and readable. It is a personal work, suggestive of a professor's carefully prepared lectures. Withal, it is a thoroughly philosophical treatise in compact space, and a valuable addition to the literature of the law of sales.

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F. D. G. RIBBLE.

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CASES ON BUSINESS LAW, by William Everett Britton and Ralph Stanley Bauer. (St. Paul: West Publishing Company, 1922, pp. xxix, 1563.)

The appearance of the case system of instruction in courses of commercial law is to be expected as a result of the popularity of that method in many of the leading law schools of this country. Without delving into the relative merits of the case system as compared with the text method, it suffices to say that the teacher of business law has long labored in vain to discover a one-volume text that would properly serve as a basis for an academic course in legal principles and problems. Textbooks there are, of course; but their unexplained brevity in treating the fundamental branches has rendered them either entirely inadequate or a constant source of great annoyance when adopted.

The teacher of business law is confronted with a perplexing dilemma. If he attempts to cover all subjects that arise in business dealings, his treatment will necessarily be so shallow that little lasting benefit enures to his class. On the other hand, if he confines himself to the important branches, he is criticised harshly for keeping from the student instruction in the remaining topics. Perhaps the best that the instructor can do is to survey fairly intensively the great fields of business law, viz., contracts, sales, agency, negotiable paper, partnership, and corporations; make the student realize the vastness of the field unexplored by him, and, if possible, touch briefly on the less important topics such as bailments, carriers, suretyship, bankruptcy, etc. After all, stress should be laid not so much upon the mere accumulation of a mass of legal knowledge, oftentimes unconnected and uncorrelated, as upon the mastery to some extent by the academic students of simple legal reasoning.

"Cases on Business Law" is one of the pioneer volumes invoking the case system for legal instruction in commercial problems. Quite properly, one fourth of the book presents cases upon the foundation of the greater portion of business law, contracts. The tremendous importance of negotiable paper in the business world is fully recognized by the authors, as cases thereon occupy over three hundred pages. Agency, sales, partnerships, and corporations round out the volume. The authors have endeavored to cover slightly the other subjects of business law either by including a few cases on them, as we find in their treatment of bailments, carriers, pledges and suretyship, or by selecting cases in illustrating a point in one of the great fields of business law which at the same time incidentally discuss a minor topic. Thus, a case placed under the head of "illegality" in contracts also brings out the question of insurable interest in life insurance.

Two features of the book deserve commendation. In presenting negotiable instruments, sales, and partnerships, the authors have used, as foundations upon which to hang the cases selected, the appropriate sections of the Uniform Acts relating to those respective subjects, thus giving in reality a combination of text and case treatment. While not all of the states have adopted these Uniform Acts, yet it would seem that a clustering of the cases around their sections will prove most helpful to the student at large.

The making of comments at the beginning of each subject and also at the beginning of some of the chapter sections should prove of value. These comments serve not to give away the principles that are to be worked out from the cases following but to point out the problem under consideration, to place the student in the mental attitude that is most conducive to the deriving of a maximum of benefit from his study of the opinions.

By the advocates of the case system this book will be received eagerly, while to those who still cling to the text method the appearance of an adequate volume for case instruction must serve to point out the total inappropriateness of the present texts. With its 1500 pages, "Cases on Business Law" can easily be used in an academic course of nine months without the necessity of having supplementary illustrative cases and other reference volumes.

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